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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,478	03/26/2004	Edward Jaeck	JAEC-10213	9769
7590	03/08/2006		EXAMINER	
David E. Allred Schmeiser, Olsen & Watts LLP 18 East University Drive, #101 Mesa, AZ 85201			GORDON, STEPHEN T	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/810,478	JAECK, EDWARD
	Examiner Stephen Gordon	Art Unit 3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15-43 is/are pending in the application.
 - 4a) Of the above claim(s) 22-26 and 31-43 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 15-21 and 27-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Newly submitted claims 31-43 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: see detailed requirement below.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Original claims 15-30, drawn to a combination vehicle and accessory, classified in class 296, subclass 1.07.
- II. New claims 31-43, drawn to a subcombination vehicle with body detail, classified in class 296, subclass 203.01.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II (new claims 31+) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because at least body receivers not added onto the body per se is not required. The subcombination has

Art Unit: 3612

separate utility such as use as a vehicle frame defining sidewall opening horizontal lightening holes.

4. Inventions I and II (new claims 36+) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because at least tubular members per se are not required. The subcombination has separate utility such as use as a vehicle frame defining sidewall opening horizontal lightening holes.

5. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. Applicant is reminded that it is the *evidence* claims that are relied upon for purposes of restriction.

8. Claims 22-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in the reply filed on 8-8-05.

9. The disclosure is objected to because of the following informalities: the specification does not include a brief drawing description for figure 10J. Additionally, on page 11 – line 4, “elongated” is misspelled.

Appropriate correction is required.

10. Claims 20-21, 29, as newly amended, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 as newly amended, the recitation that the insert is “received in the lengthwise vertical socket” is very confusing and not understood. Is this the same insert as previously recited as in the horizontal receiver? (note base claim as newly amended by applicant and intervening claim 18) It does not seem consistent to say the insert is both used horizontally and vertically as recited.

Claim 29 as newly amended, the claim is very confusing as presented. Specifically, the recitations involving the structure of the socket as at an angle other than horizontal appear inconsistent with the base claim as newly amended which indicates that the insert structure/receiver is horizontal. How can this element maintain different orientations at the same time? Is applicant intending to recite multiple sockets? If so, it is not entirely clear that such configuration would be consistent with the instant disclosed device.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Newly amended claims 15-21 and 27-29, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al '896.

Harris et al teaches a vehicle with a body extending longitudinally in a fore and aft direction and structure 44+ opening in a sidewall of the vehicle body as broadly claimed. Moreover, such structure extends horizontally in a transverse direction as recited.

Element 30+ defines an accessory as broadly claimed.

Claim 16, element 30 defines at least a supporting table as broadly claimed.

Claim 17, element 44 defines a socket as broadly claimed. Moreover, at least element 38,40 defines an insert which functions as broadly recited.

Claim 18, the leg portion of the T-shaped insert member 38 which attaches directly to portion 30 of the accessory defines a horizontal shaft as broadly claimed – see figure 3.

Claim 19, at least elements 50 define a plurality of receivers as broadly claimed.

Claim 20, element 50 reads on a vertical socket as broadly claimed. Additionally, element 36 defines a vertical insert as best understood.

Claim 21, the device includes multiple horizontal sockets 44.

Claim 27, the receivers are added as broadly claimed.

Claim 28, elements 28 define a plurality of accessories as broadly claimed.

Claim 29, element 50 defines a non-horizontal socket as broadly claimed and as best understood. Additionally, element 36 defines a non-horizontal insert as broadly claimed and as best understood.

Art Unit: 3612

13. Newly amended claims 15, 17, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson '894.

See figure 3. Note receiver/socket (at element 58 and including the rear portion of element 41), horizontal receiver hole structure (in 58) extending transversely through a sidewall of a vehicle body as broadly claimed, and accessory 30 as broadly claimed.

Claim 17, element 48 reads on the insert and is selectively located as broadly claimed.

Claim 30, note socket hole in element 58, hole 60 in insert 48, and pin 54 engaged as broadly claimed.

14. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571) 272-6661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3-6-06
Stephen Gordon
Primary Examiner
Art Unit 3612

stg